IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7871 of 2005

Between:

S. Venkateswarlu S/o. Venkat Rao, Driver, APSRTC,
R/o. Near Railway Over Bridge, Kahmmam, Khammam

District.

..... PETITIONER

AND

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1 The Regional Manager, APSRTC, Khammam Region,

Khammam.
2 The Depot Manager, APSRTC, Madhira, Khammam

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of respondents in imposing punishment of with holding of annual grade increments of the petitioner for a period of one year which shall have effect on petitioner's future increments as illegal, arbitrary, violation of principles of natural justice and contrary to the Rules and set aside the Order No. 01/2(24)/91-MDR, dt. 27-2-1992 of the 2nd respondent and consequently direct the respondents to release the annual grade increments of the petitioners which are withheld by considering the representation dt. 23-12-2004 with all consequential benefits.

Counsel for the Petitioner: MR.K.VENKATESWARLU

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

ORDER:

Questioning the action of respondents in imposing punishment of with holding of annual grade increments of the petitioner for a period of one year, which shall have effect on petitioner's future increments, the present writ petition is filed.

Mr. K. Venkateswarlu, learned counsel appearing for the petitioner contended that without conducting any enquiry, major penalty has been imposed on the petitioner and therefore, the impugned proceedings are liable to be set aside.

On the other hand, learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1992 and therefore, there are no grounds to interfere with the impugned proceedings.

For certain irregularities said to have been committed by the petitioner, a charge sheet dated 7-12-1991 was issued to him and he gave an explanation. As the explanation was not satisfactory, the disciplinary authority issued final orders on 27-2-1992 imposing a major penalty of postponement of annual increment for one year with cumulative effect.

Imposing a major penalty without conducting regular departmental enquiry cannot be sustained under law. Admittedly, no regular departmental enquiry was conducted in this case. Though it is a matter to be remitted back to the Disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this court to modify the major penalty imposed by the second respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1992, at this point of time, it is not desirable to remit back the matter to the Disciplinary Authority for conducting any regular departmental enquiry and further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the writ petition is disposed of modifying the penalty of postponement of one annual increment with cumulative effect to that of postponement of one annual increment without cumulative effect. By virtue of this order petitioner is not entitled to any monetary benefits. In the circumstances, no costs.

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K.C. Bhanu, J.

8th April 2005

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To

1 The Regional Manager, APSRTC, Khammam Region,

Khammam.
2 The Depot Manager, APSRTC, Madhira, Khammam

District.

3 2 CD copies.